

The Provincial Statutes of Lower-Canada, Being the third session of the eleventh Provincial Parliament of Lower-Canada. Quebec: P. E. Desbarats, Printer to the King's Most Excellent Majesty, 1823.

3 George IV – Chapter 41

An Act to grant an Aid to His Majesty, for the purpose of making a Navigable Canal, from or near the Town of Saint John to the Basin of Chambly, upon the River Sorel or Richelieu. (22d. March, 1823.)

Whereas it is expedient to adopt effectual measures for opening a Navigable Canal from or near the Town of Saint John on the River Sorel or Richelieu to the Basin of Chambly on the said River, in the event that the company of proprietors by Law heretofore thereunto authorised, shall not make and complete the same within the time limited by an Act of the Legislature of this province, passed in the fifty-eighth year of the Reign of His late Majesty George the Third, chapter eighteen, or shall have lost their right to do so, by not fulfilling the conditions imposed upon them by the said Act, or shall have abandoned their right to make such Canal, pursuant to such Act; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North-America,' and to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that in case the company of proprietors incorporated by the above-mentioned Act, passed in the fifty-eighth year of the Reign of His late Majesty George the Third, intituled, "An Act for making and maintaining a Navigable Canal from, at or near the Town of Saint John, from the River Sorel, or Richelieu, through the Barony of Longueuil and the Seigneurie of Chambly, to terminate at the Basin of Chambly," shall not make and complete the same within the time by law prescribed or shall have lost or relinquished their right so to do, the said Canal shall be made and completed at the public expense, as in and by this Act it is ordained and provided.

II. And be it further enacted by the authority aforesaid, that in any or either of the above-mentioned cases, it shall and may be lawful to and for the Governor, Lieutenant-Governor or Person administering the Government of the Province for the time being, by an instrument under the Great Seal of the Province to constitute and appoint such and so many persons as he may think fit, to be Commissioners, and a Secretary to carry into execution and superintend the works necessary to make the said Canal, with power to remove from time to time, the said Commissioner And Secretary, and to appoint others in their stead, or in the stead of such as may, from time to time, die or resign.

III. And be it further enacted by the authority aforesaid, that the said Commissioners and their successors shall be and they are hereby declared to be a body corporate by the name of the "Commissioners of the Chambly Canal," and as such shall have existence until the said Canal shall be compleated and no longer; and shall and may, as such body corporate, do all and whatsoever a body corporate legacy mayor can legally do; and service of any summons, order or rule of Court, upon the Secretary of the said Commissioners in any action against the said Corporation, shall be sufficient to

compel the same to appear and defend such action in any Court of competent jurisdiction. And the said Commissioners shall annually submit in the English and French languages to the three branches of the Legislature, an account of the monies by them expended under and in virtue of this Act, accompanied with a statement of their operations pursuant to the same.

IV. And be it further enacted by the authority aforesaid, that for the purposes of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Province for the time being, from time to time, and as occasion may require to advance by a Warrant or Warrants under his hand, out of any unappropriated monies that are or that hereafter may come into the hands of the Receiver-General of the Province, a sum not exceeding in the whole fifty thousand pounds, currency. Provided always, that no greater sum than the sum of twenty thousand pounds, currency, shall in any one year be advanced or paid for the purposes of this Act.

V. Provided always, and be it further enacted by the authority aforesaid, that the appropriation made by this Act, shall only become perfect from the time when the works of the said Canal shall be commenced, and only in proportion to the sums payable in each year for the said works and shall have effect only upon the monies which shall then be not otherwise appropriated by the Legislature of this Province.

VI. And be it further enacted by the authority aforesaid, that if the Commander of His Majesty's Forces in this Province, shall, on the part of His Majesty's Government, contribute and pay a sum of ten thousand pounds, towards the making the said Canal, in addition to the sums appropriated by this Act, all boats, batteaux, lighters or vessels, laden with warlike or other stores, belonging to His Majesty, His Heirs and Successors, shall and may at all times pass and repass through the said intended Canal, without paying any toll or duty.

VII. And be it further enacted by the authority aforesaid, that the Commissioners who shall be so as aforesaid appointed, or a majority of them shall be and they are hereby authorised and empowered to cause to be opened, made and compleated a Navigable Canal, for boats, barges, vessels and rafts, from, at or near the Town, or port of Saint John, in the County of Bedford, upon the river Sorel or Richelieu, through the Barony of Longueuil and West part of the Seigneurie of Chambly, and to terminate at the Basin of Chambly, on the aforesaid river, the locks whereof shall not be less than twenty feet in breadth, and which Canal shall be navigable for vessels drawing five feet of water, which said Canal shall commence and terminate at such point within the limits aforesaid, and shall be made and carried upon or near the said River Sorel or Richelieu in as direct a line, as may be found practicable, and as the local situation, circumstances and the nature of the ground will permit.

VIII. Provided always, and be it further enacted by the authority aforesaid, that the said intended Canal shall not be commenced or begun until the Canal actually in progress and making between La Chine [Lachine] and the Port of Montreal, in virtue of an Act of the Legislature of this Province, passed in the first year of His Majesty's Reign, chapter sixth, be finished as far as the said port.

IX. And be it further enacted by the authority aforesaid, that the said Commissioners shall, for the purposes of this Act, have power and authority to purchase such Lands as heretofore may have been, or that hereafter shall be set out and ascertained to be necessary for the use of the said Canal and to

supply the said Canal while making and when made with water from the said River Sorel or Richelieu, and from all such Brooks, Springs, Streams and water courses, as shall be found or formed in making the said Canal, or within the distance of one thousand yards from the said Canal or any part of the same, or from any reservoir or reservoirs to be made for supplying the said Canal with water; and to make such and so many feeders and aqueducts for supplying the said reservoirs with water, as to them shall seem necessary and proper. And for the purposes aforesaid, they or their agents are hereby authorised to enter in and upon the lands or grounds of any person or persons, community, Body Politic or Corporate, whatsoever, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for and towards the making of the said Canal, and to do and make all such other matters and conveniences as they shall think necessary and proper, for and towards making, effecting and preferring, improving, compleating and using the said intended Canal, and also to pare, dig, cut, trench, remove, take and carry away and lay earth, soil, clay, stone, rubbish, trees, beds of gravel or sand, or any other matters or things which may be dug or got in the making of the said Canal or reservoirs, tunnels or aqueducts, or out of any lands of any person or persons contiguous thereto, and which may be proper, requisite or convenient for carrying on, continuing and repairing the said Canal or reservoirs or which may hinder, prevent, or obstruct the making, using, compleating and maintaining the same, and also to make, build, erect and set up, in or upon the said intended Canal, or upon the lands, adjoining or near to the same, such and so many draw bridge, tunnels, aqueducts, sluices, locks, wears, tanks, reservoirs, drains, wharves, quays, landing-places, weigh-beams, cranes and other works, ways, roads and conveniences, as shall be deemed requisite and convenient for the purposes of the said Canal; and also, from time to time, to alter, repair, amend, widen and enlarge the same or any other of the conveniences above-mentioned, as well for the carrying and conveying of goods, commodities and other things to or from the said Canal as for the carrying and conveying of all materials necessary for the making, altering, repairing, amending, widening, or enlarging the works of and belonging to the said Canal, and also to place, lay, work and manufacture the said materials, on the grounds near to the place or places where the said works, or any of them shall be intended to be made, erected, repaired or done; and also to make, maintain, repair and alter any fences or passages over, under, or through the said Canal or the Reservoirs, Funnels, Aqueducts, Trenches, Gutters, Water-courses, Drains and Sluices respectively, which shall communicate therewith; and also to make, set up and appoint such Roads, Towing-Paths, Banks and Ways convenient for towing, hauling or drawing of Boats, Barges or other Vessels, parsing in, through, or upon the said Canal as shall be deemed necessary, and to construct, erect, and keep in repair any Piers, Arches or other works, in, upon and across, any Rivers or Brooks, for making, using, maintaining and repairing the said Canal, and Towing-Paths over the sides thereof, doing as little damage, as possible in the execution of the several powers hereby granted, and making satisfaction in manner herein-after mentioned, for all damages to be sustained by the Owners or Proprietors of such lands or grounds, rivers, waters, water courses or brooks respectively as shall be taken, used, removed, diverted or prejudiced in or by the execution of all or any of the powers granted by this Act.

X. Provided always, and be it further enacted by the authority aforesaid, that the land and ground to be taken or used for such Canal and Towing-paths, and the Ditches, Drains and Fences to Separate such Towing-paths from the adjoining lands, shall not exceed forty-six yards in breadth, except in such places where the said Canal shall be raised higher or cut more than five feet deeper than the natural surface of the soil; and in such places, where it shall be judged necessary, to widen the said Canal for

boats and other vessels to turn, lie or pass each other, no more than sixty-five yards, nor shall any land or ground, so set out and ascertained for the purpose of making the said Canal and Reservoirs, be applied to the said purposes, without the consent of the owner or owners of the said lands, respectively, under his or their hand or hands in writing first had and obtained, unless the same shall be valued and paid for in manner as herein-after mentioned.

XI. And be it further enacted by the authority aforesaid, that it shall be lawful for the said Commissioners, in constructing and making the said Canal as aforesaid, to take and appropriate, for the use thereof, so much of the land covered with the water of the said River Sorel or Richelieu, or of the bed thereof, as may be found necessary for the making and completing the same, and thereon to erect such wharves, quays, locks, works and erections, as the said Commissioners shall find or deem expedient.

XII. And be it further enacted by the authority aforesaid, that when and as often as it shall be necessary to cut any highway, or road, in order to conduct the said Canal through, over or under the same, the said Commissioners shall within the shortest possible day, cause to be constructed a secure, sufficient and commodious bridge or other work or works for the public convenience of passing and repassing with carts or carriages, à dire d'Experts, in order to establish a free and uninterrupted communication along the said highway or road, and the several parts thereof.

XIII. And be it further enacted by the authority aforesaid, that after any such lands or parts of land or ground, shall be set, laid out or ascertained as aforesaid, for making the said Canal, and other the purposes and conveniences herein-before mentioned, it shall and may be lawful for all bodies politic, communities, corporations aggregate or sole, guardians, curators, testamentary executors, fides commissaires, and all other Trustees whatsoever, not only for and in behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, lunatics, femmes-couvertes or other person or persons who are or shall be possessed of or interested in any lands or grounds, whether the same be entailed (subsitués) or not, which shall be set, laid out or ascertained as aforesaid, to contract for, sell and convey onto the said commissioners, or a majority of them for the purposes of this Act, all or such part of the said lands or grounds as shall, from time to time be set, laid out or ascertained as aforesaid, and that all such contracts, agreements and sales shall be valid and effectual in law to all intents and purposes whatsoever, any law, statue, usage or custom to the contrary thereof in anywise notwithstanding; and the ground so sold and acquired, for the use of the said Canal, shall for ever thereafter be free of all mortgages and servitude, (hypothèque et servitudes) whatsoever.

XIV. Provided always, and be it further enacted by the authority aforesaid, that any body politic, community, corporation, or other person or persons whomsoever, who cannot, in common Law, sell or alienate any land or lands set, laid out and ascertained to be necessary for the purposes of this Act as aforesaid, shall and may agree upon and fix, as herein-after directed, an annual rent, as an equivalent and not as a principal sum to be paid for the lands or ground necessary for the said Canal and for other purposes relative thereto; for the payment of which annual rent, and every other annual rent for lands or grounds purchased for the said Canal, and other purposes relative thereto; the said Canal and the

tolls to be levied and collected there upon, shall be and the same hereby are made liable and chargeable in preference to all other claims and demands thereupon, whatsoever.

XV. And be it further enacted by the authority aforesaid, that for the public convenience as well as of the convenience of the several proprietors through and upon whose lands the said Canal shall pass, the said Commissioners shall construct proper, suitable and convenient draw bridges across the said Canal from place to place, not further from each other, than the distance of thirty arpents.

XVI. And be it further enacted by the authority aforesaid, that all questions that shall or may arise between the said commissioners or a majority of them, and the several proprietors persons interested in any lands, grounds or waters that shall or may be taken, affected or prejudiced by the execution of any of the powers or authorities hereby given and granted, or any indemnification for damages which may or shall at any time or times be sustained by any bodies politic or corporations, communities or any other person or persons respectively, being owner or owners of or interested in any lands, grounds or waters, for or by reason of the making, repairing or maintaining the said Canal or reservoirs, trenches, passages, gutters, water-courses, roads, ways, locks or sluices for supplying the same with water as aforesaid, or by the flowing, leaking or oozing of the water, over or through the banks of the said Canal, reservoirs or other conveniences connected therewith, or by turning or diverting any streams or brooks into the same, shall and may be settled by agreement of the parties, or by arbitration; or if either of the parties shall not be inclined to make an agreement, or to appoint arbitrators, or by reason of absence, shall be prevented from treating, or through disability by nonage, coverture or other legal impediment, cannot treat or make such agreement or enter into such arbitration, or shall not produce a clear title to the premises in which they claim an interest, then and in every such case, the said commissioners, or a majority of them, or the person or persons, body politic, corporation or community being owner or owners or representing the owner or owners of such Lands, Grounds or waters as aforesaid, may make application to the Court of King's Bench for the District of Montreal in term, or to any two of the Judges thereof in vacation, stating the grounds of such application, and such Court or any two Judges thereof, is and are hereby empowered and required from time to time, upon such application, to issue a Warrant directed to the Sheriff of the District of Montreal, for the time being commanding such Sheriff to impanel, summon and return a Jury, and the said Sheriff is hereby required accordingly to impanel, summon and return a Jury, qualified according to the Laws of this province, to be returned for Trials of issues, joined in civil causes in the Courts of King's Bench, to appear before the said Court, in Term, or before any two Judges thereof in vacation, at such time and place as in such Warrant shall be appointed, and all parties concerned may have their lawful challenges against any of the Jurors, but shall not challenge the array, and the said Court in term, or any two Judges are hereby empowered to summon and call before them, all and every such person or persons, as it shall be thought necessary to examine as witnesses, touching the matters in question and the said Court, in term, or any two Judges in vacation, may order and authorise the said jury, or any six or more of them to view the place or places or matter in controversy, which Jury upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the said Court or any two Judges in vacation are hereby empowered to administer) shall enquire of, assess and ascertain the distinct sum or sums of money, or annual rent to be paid for the purchase of such lands or grounds, as aforesaid or the indemnification to be made for the damage that may or shall be sustained as aforesaid; and the said Court or any two

Judges of the same in vacation, shall give Judgment for such sum, rent, or indemnification, which shall have been so affected by such Juries, which said verdict and the judgment thereupon pronounced, shall be binding and conclusive to all intents and purposes against all bodies politic or corporate, or communities, and all persons whomsoever.

XVII. Provided always and be it further enacted by the authority aforesaid, that in all cases where a verdict shall be given for more monies as an indemnification or satisfaction for any lands or grounds, or for any damages to be done to any lands, grounds or property of any person or persons whatsoever, than had been previously offered by or on the behalf of the said Commissioners or majority of them, then all the expenses of summoning and of taking such inquest, shall be settled by the said Commissioners by any two Judges thereof in vacation as aforesaid, and shall by the said Commissioners be defrayed, out of the monies hereby appropriated; but if any verdict shall be given for the same or for a less sum than the sum previously offered by the said Commissioners, then and in every such case, the said costs and expenses being settled as aforesaid, shall be bored and be paid by the person or persons body corporate or community with whom the said Commissioners may have had such controversy.

XVIII. And be it further enacted by the authority aforesaid, that upon payment of such sum or sums of money, as shall be contracted or agreed for, between the parties, or determined by arbitration or by a Jury or Juries in the manner above-mentioned, to the Proprietor or Proprietors as above-mentioned, or to the Person or Persons entitled to receive such money or rent respectively or upon legal tender thereof to him or them made or to the principal Officer or person of any such body politic or corporate or community, at any time after the same shall have been so agreed for, determined or assessed, such Lands and Grounds, the value whereof may have been so as aforesaid agreed upon, determined by arbitration or assessed, may be applied, taken and used for all and every the purposes of making the said Canal, Reservoirs and other works relating.

XIX. And be it further enacted by the authority aforesaid, that all agreements and all determinations by Arbitration as aforesaid, and also the said verdicts and judgments thereupon shall be transmitted to, and shall be kept by the Clerk of the Court of King's Bench for the District of Montreal, amongst the records of the said Court, and shall be deemed and taken to be, records of the said Court to all intents and purposes whatsoever, and the same or true and certified copies thereof, shall be allowed to be good evidence in all Courts in this Province, and all persons who shall have liberty to inspect the same, paying for each inspection, the sum of one shilling, and to take copies thereof on paying for each copy not exceeding one hundred words, the sum of six pence, and so in proportion for a greater number of words.

XX. And be it further enacted by the authority aforesaid, that application to the said Court or to any two of the Judges thereof as aforesaid for indemnity for any damage or injury sustained by reason of the powers and authorities by this Act given, shall be made within six calendar months next after the time that such damage or supposed damage, shall have been caused, and that no application to that effect shall be received after that period.

XXI. And be it further enacted by the authority aforesaid, that if any person or Persons shall float any timber upon the said Canal or shall suffer the loading of any boat, batteau or vessel, to lie over the sides thereof, or shall over-load any boat, batteau, vessel or raft, navigating in or upon the said Canal, so as by the floating of such timber or over-loading, to obstruct the passage of any boat, batteau, vessel or raft, and shall not immediately upon due notice given to the owner or person having the charge or care of such boat, batteau, vessel or raft so obstructing the passage as aforesaid, remove the same, so as to leave a free passage, every person so offending shall forfeit and pay for every such offence the sum of five pounds, currency; and if any person shall throw any ballast, gravel, stones, or rubbish, into any part of the said Canal, every person so offending, shall for every such offence, incur a forfeiture and penalty not exceeding ten pounds, one half of which forfeiture and penalty, and of all other penalties imposed by this Act, shall go to the prosecutor or informer, and the other half to His Majesty, His Heirs and Successors, and shall be paid into the hands of the Receiver-General of this Province, and be applied for the public uses of the Province, and for the support of the Government.

XXII. And be it further enacted by the authority aforesaid, that the said Commissioner shall and may, in such parts of the said Canal, as they shall deem expedient, open or cut proper spaces or places in the lands adjoining to the said Canal, at convenient distances from each other, for the turning or temporary reception of any boat, batteau, vessel or raft, in order that the same as occasion may require, may thereto retire, so as to afford room to each other for passing and repassing in the said Canal.

XXIII. And be it further enacted by the authority aforesaid, that whenever from floods or from unexpected accidents, the weirs, flood gates, dams, banks, reservoirs, trenches, or other works of the said Canal, may be damaged or destroyed, and the adjacent Lands or property thereby endangered or damaged, it shall be lawful as well to prevent such danger or damage, as to repair the said Canal, for the Commissioners aforesaid from time to time and for their Workmen and agents without delay or interruption from any person or persons whomsoever, to enter into any land or lands, adjoining to or near the said Canal, Branches, or Reservoirs or Branches connected therewith or any of them (not being an Orchard, Garden or yard) and to dig for work, get and carry away and use all such stones, gravel and other materials, as may be necessary or proper for the purposes aforesaid, without any previous treaty whatsoever, with the owner or owners, occupier or occupiers, or of any other person or persons interested in such lands or grounds, or any of them, doing as little damage thereby, as the nature of the works will admit of, the said Commissioners making recompence for such damages, to the owners or occupiers of, or other person or persons concerned or interested therein, à dire d'Experts, to be named by the said Commissioners and by the parties concerned or interested according to law.

XXIV. And be it further enacted by the authority aforesaid, that if any person or persons shall wilfully, maliciously and to the prejudice of the said Canal break, throw down, damage or destroy any Bank, Lock, Gate, Sluice or any other work or works, machine or device to be erected or made in virtue of this Act, or do any other wilful Act, hurt or mischief to disturb, hinder or prevent the carrying into execution and completing, supporting and maintaining the said Canal, every such person or persons so offending, shall incur a forfeiture and penalty of treble the value of the damage, proven by the Oath of two or more credible witnesses to have been done; such damages with the costs of suit to be recovery any courts of law in this Province, having competent Jurisdiction, and in case of default by the offender or

offenders to make immediate payment of the amount awarded, he or they may at the discretion of the Court before which the conviction shall have taken place, be committed to the Common Gaol for a term not exceeding one month.

XXV. And be it further enacted by the authority aforesaid, that the master or owner of any Bateau, Boat or other Vessel or raft navigating upon the said Canal shall be and he is hereby made answerable for any damage, injury or mischief that shall be done by his boat, batteau or other vessel, or raft, or by any of the boatmen or water-men employed in and about the same respectively, to any of the Bridges, Weirs, Locks, Dams, Engines or other works in, upon or near the said intended Canal, or by loading or unloading any boat, bateau or other vessel, or raft, and for any injury or damage that shall or may be done to the owners of any building or land adjoining the same; and the master or owner of such boat, batteau or other vessel or raft, shall and may be prosecuted for the same, in any Court of Record, of competent Jurisdiction; and if a Verdict or Judgment be given against him in such Court, in any such case, the Plaintiff shall recover his Damages thereby sustained with costs of suit.

XXVI. And be it further enacted by the authority aforesaid, that the said Canal, shall be free for all persons whomsoever, to navigate the same, with any Boat, Barge, Batteau or other vessel or Raft, and to use the said towing Paths, for hauling and drawing Boats, Barges, Batteaux and other vessels and rafts and also to use the said wharves for loading and unloading any goods, wares and merchandize, under such conditions and regulations, and upon payment of such tolls, rates and dues, as shall or may hereafter, be enacted or established by an Act or Acts of the Legislature of this Province, so soon as adequate information, touching the tolls, rates or dues which it may be expedient to impose, can be obtained from the Commissioners to be appointed in virtue of this Act.

XXVII. And be it further enacted by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend, to restrain or hinder the to the owner or owners of any land or grounds through which the said Canal shall pass, from making, erecting or using any wharves, quays, landing places, cranes, weigh-beams or warehouses in or upon their own lands, grounds or waters adjoining or near the said Canal, or from landing any goods or merchandize or other things thereupon or upon the banks lying between the same and the said Canal, or from making and using proper and convenient places for boats, batteaux, barges or other vessels or rafts to lie in, so that the making, erecting or using thereof respectively, shall not encroach upon, obstruct or prejudice the navigation of the said Canal or the Towing Paths thereof; and all sums of money which shall be paid for the use and benefit of the said wharves, quays, landing places, cranes, weigh-beams and warehouses, respectively, shall be and the same are hereby vested in the owner or owners of such lands or grounds who shall make and erect such Wharves, Quays, Landing places, Cranes, Weigh-beams or Warehouses respectively, his, her and their heirs and assigns, so that the rates or dues to be granted for tonnage on the said Canal, shall not thereby be reduced or altered.

XXVIII. And be it further enacted by the authority aforesaid, that the fines, forfeitures and penalties which shall at any time be incurred under this Act, shall be sued for within three months next after the commission of the offence and not afterwards.

XXIX. And be it further enacted by the authority aforesaid, that nothing herein contained shall extend or be construed to extend in any manner or way to affect the Rights of His Majesty, his Heirs or Successors, or of any person or persons, or of any Body corporate or politic, except in as far as the same are hereby affected.

XXX. And be it further enacted by the authority aforesaid, that the present Act shall be deemed and taken to be a public Act, and as such, shall be judicially noticed by all judges, Justices and other persons without being specially pleaded.

XXXI. And be it further enacted by the authority aforesaid, that the due application of the monies appropriated under and in virtue of this Act, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form, as His Majesty, His Heirs and Successors shall be pleased to direct.

XXXII. And be it further enacted by the authority aforesaid, that it shall and maybe lawful for the Commissioners appointed under this Act, to treat with the Company of Proprietors of the intended Chambly Canal, respecting the relinquishment of the rights of the said Company to make the said Canal, and also respecting the reimbursement of the monies by them expended for the survey and levels, estimates and books of reference, with the maps and plans of the said Canal which they have caused to be taken and made, as well as all other monies expended by the said Company for the purposes of the aforesaid Act incorporating the same, and towards the commencing and making the said intended Canal, which monies the said Commissioners may find to have been necessary and usefully expended for the opening of the said intended Canal. Provided always that no monies shall be reimbursed or paid to the said Company, in pursuance of any agreement with the said Commissioners, unless such agreement shall have been submitted to the Governor, Lieutenant Governor, or Person administering the Government of the Province for the time being, and by him approved and ratified.